

#### D. Remarks

Claims 1-3, 5, 9-11, 18, 19, and 21 - 28 are currently pending. The title of the invention and Claims 1, 5, 9, 11, 18, 26, 28 have been amended.

#### Objection to the Title:

Applicants appreciate the suggested change in the title of the invention. In response, Applicants propose "Talent Management System and Methods for Reviewing and Qualifying a Workforce Utilizing Categorized and Free-Form Text Data," which conforms to the existing language of application used in describing the invention. In particular, the system is described as managing the inventory of "talent" within a "workforce." The Summary of the Invention describes the system as managing the "applicants, employees, and reserve pool talent." These individuals represent a "workforce," particularly as reflected in the wording of Claim 1. The phrase "Job Candidates," if used as a defining portion of the title, is perceived to unnecessarily emphasize and limit relevance to new hires only. The newly proposed title therefore adopts the Examiner's proposed title with the addition of Talent Management and substitution of Workforce for Job Candidates.

#### Summary Discussion of Claims:

As will be detailed variously against specific claims below, the present invention enables capturing a skills inventory of a workforce, specifically including employee participants and non-employee participants. Unlike the cited prior art, the present invention thus enables reviewers to consider and effectively address the greater problem of identifying candidates suitable for a position from the entire participant inventory. This consideration can be made regardless of the current employee status of candidates and can consider skills that are beyond just those required for their current employee position.

As will be discussed in regard to select claims below, the skills inventory is established by a closed-loop evaluation of collected skills information producing a qualified skills assessment, not merely a self-assessment. The qualification of the skills assessment is reflected by persisting the typically managerial qualification of individual skills with the participant data set records as stored in the inventory repository. These qualifications are then used as additional weighting values in the scoring of assessed skills when a search is performed over the inventory.

Furthermore, the present invention provides for the fully automated consideration and scoring of the contents of both predefined and free-text fields. Free-text fields are grouped and categorized with predefined fields. Multiple such groups are defined. Within each group, the contents of a free-text field is, in accordance with the present invention, sufficiently definite to enable automated, scorable evaluation. Human intervention is not required. Consequently, the present invention supports the automated differential scoring based on managerial qualification of individual skills found in predefined and free-text fields.

Neither capability is found in the prior art. The combination of both capabilities, as variously recited in the claims as discussed below, is neither taught nor suggested by the prior art.

Rejections under 35 U.S.C. §102:

Claims 9, 10, 18, and 19 stand rejected under 37 C.F.R. §102(e) as anticipated by Kurzius et al (US Patent 6,385,620).

In summary, Kurzius is a basic, essentially static Web-based system enabling the collection of predefined skills data from and about potential job candidates for review by potential employers. The particular advancement touted by Kurzius over other, prior skill-based recruitment systems is the ability to capture data directly from the applicant. The "technical advantage" is the avoidance of "keying or scanning of resumes" and, by use of the predefined skill fields, "easy classification and storage of particular candidate qualifications" (col 2, ll 41-48).

While Kurzius allows, in limited circumstances, the capture of free-text data, nowhere does Kurzius teach any relevant use of such data for purposes of automatically evaluating the suitability of a candidate for any position. Limited free-text data fields are used to capture address information 1408, comments 1404, ad hoc listed skills 1424, and a conventional resume 1416. Kurzius fails to affirmatively state that any of the information captured by these fields is considered in the automated matching of candidate data with employ requirements. Rather, Kurzius indicates, at most, the free-text captured information is merely available for viewing by a potential employer after the automated matching operations are complete.

Claims 9 and 10:

Independent Claim 9, as amended, calls for

- a) collecting performance capability information [that] includes a plurality of performance capability partitions, and wherein each said performance capability partition includes categorized information and categorized free-text information, said categorized free-text information being characterized as unstructured textual content,
- b) scoring . . . relative to a predetermined set of selection criteria, selectively applicable to said plurality of performance capability partitions, including a first set of predetermined items matchable against said categorized information and a second set of predetermined items selectively matchable against the unstructured textual content of said categorized free-text information, said step of scoring assigning rankings to said subset of said plurality of data sets

Kurzius does not teach scoring the content of any free-text fields. Contrary to the implied assertion made by the identification in the Action of multiple sections of Kurzius against the scoring element of the claim, none of those sections identifiably describes any automated use of the free-text content. In particular, Kurzius collects free-text information. Nowhere does Kurzius actually teach that the free-text content is even considered in the scoring of potential search matches.

Further, Kurzius does not teach the scoring of any skills data that is separated into a plurality of partitions where each partition includes both "categorized information," corresponding to predefined fields, and "categorized free-text information," corresponding to free-text fields.

An identity between the teachings of a reference and all of the elements of a claim is the minimum requirement to maintain a rejection under 35 U.S.C. §102. Electro Med. Sys. S.A. v. Cooper Life Scis., 34 F.3d 1048, 1052, 32 USPQ2d 1017, 1019 (Fed. Cir. 1994) ("Anticipation under 35 U.S.C. § 102 requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention."). Given that Kurzius does not identically teach the claim, Applicants respectfully assert that Claim 9 is not anticipated by Kurzius under 35 U.S.C. §102. Applicants therefore request reconsideration of the rejection

of Claim 9 as anticipated by Kurzius. Reconsideration of the rejection of Claim 10 for at least the same reasons is also requested.

Claims 18 and 19:

Independent Claim 18 specifies the collection of information in a particular format defined as

a plurality of categorized sets wherein each categorized set includes categorized information and categorized free form information, wherein said categorized free form information is characterized as unstructured textual content

This information is then subject to a review

by a designated reviewer wherein items of said collected information are subject to selective qualification by said designated reviewer

The “selective qualification” is specifically defined as being applied to

phrases of one or more words occurring in said categorized free form information are selectively associated autonomously with instances of capabilities identifiers

This resulting “selective qualification” is then expressly used in

first scoring said categorized information subject to a weighting specification . . . further subject to the selective qualification of the items of said collected information

and

second scoring said instances of key information [autonomously parsed from the free-text fields] subject to said weighting specification . . . further subject to the selective qualification of the items of said collected information

As itemized from the limitations of the claim itself, Claim 18 defines a skills assessment system where the skills scoring computation depends on contributions from both a "weighting specification," reflecting the search criteria, and the "selective qualification," reflecting a separate valuation of the corresponding information items.

Kurzius does not teach the collection of scorable information from both defined and free-text fields, the separate qualification of the collected information, including both defined and the autonomously parsed "key information" items from free-text fields, or a scoring based on the combination of a weighting specification and separate "selective qualification" valuations of the collected information, including the parsed "key information" items.

The Action identifies col 6, ll 54-68 and col 11, ll 1-8 as teaching the parsing of free-form information. These sections, in context, describe nothing more than the evaluation of a candidate record the content of predefined fields are matched against defined search criteria. The text of Kurzius provides no indication and certainly does not expressly teach that the content of any free-text field is considered, let alone parsed to identify terms that are then, further, scored and combined with the scoring of the predefined fields to determine a final ranking.

Kurzius, therefore, does not identically teach all of the elements of Claim 18 as would be required to maintain a rejection under 35 U.S.C. §102. Reconsideration of the rejection of Claim 18 as anticipated by Kurzius is therefore requested. Reconsideration of Claim 19 for at least the same reasons is also requested.

Claim 11:

Claim 11, ultimately dependent from Claim 9, stands rejected under 35 U.S.C. §103 in view of Kurzius and Clark et al (US Patent 5,164,897).

While Kurzius is asserted in the Action as teaching the scoring of key items obtained from free-text fields, the identified sections of Kurzius fail to support that assertion. Col 6, ll 54-68, properly considered in context, refers to "candidate identifiers" determined from a candidate matching performed against the predefined fields. Nowhere does Kurzius identify either the ability or any attempt to determine "candidate identifiers" based on the content of non-predefined fields. Col 8, ll 28-68 describes the candidate matching algorithm of Kurzius. As there explained, Kurzius uses an algorithm that matches various

defined search criteria against the “categorized and sub-categorized” predefined fields present in a candidate map 104. Col 15, ll 50-68 merely repeats the desirability of being able to search on the predefined categorized and sub-categorized fields of the candidate map 104. To remain consistent with the whole of the Kurzius disclosure, nothing more can be properly read into that statement.

In contrast, the assertion in the Action that Kurzius scores based on the content of predefined fields (col 16, 56-68) is correct. But, notably, while that section explicitly establishes that the predefined fields are used for scoring, the mentioned free-form fields are conspicuously omitted from the same treatment. Thus, to any person of ordinary skill in the art, the appropriate reasonable interpretation is that the contents of free-form fields are not to be considered in connection with scoring. Therefore, the proper conclusion is that Kurzius fails to teach or suggest the use of the content of any free-text fields as a scorable basis for identifying candidate records against provided search criteria.

The assertion that “Kurzius et al. expressly teach a key item *database* of free-text key items as claimed” is completely unsupported in the Action. Given that Kurzius does not even consider the content of free-text fields, there is no logical reason that Kurzius would have any database of free-text terms of any nature. And, indeed, no such database, directly taught or suggested, can be found anywhere in Kurzius.

Clark is asserted to teach a key item database of “free-text key items.” To the contrary, Clark, at col 1, ll 45-68 is explicit in teaching that any attempt to match on the content of any free-text is “imprecise” – that there is nothing more than a “hope” that some search term might match “technological slang.” Here, in the background section of Clark, the teaching is clear: that free-text matching is to be avoided entirely. The fundamental teaching of the invention affirmatively presented by Clark is to use only predefined fields; to only allow narrowly drawn, pre-established skill descriptions to statically constrain the information that can be originally entered and that, equally, defines what may be subsequently considered in searching for matches. The other identified sections of Clark, col 4, ll 55-68 and col 8, ll 4-68, expressly describe entirely predefined look-ups of existing defined terms.

Thus, properly considered, Clark directly teaches away from the use of any “free-text” descriptions. Moreover, Clark does not teach or suggest the collection of “free-text key

items” into any database. Clark does not teach or suggest use of such a database for any purpose. Clark does not teach or suggest any way of using such a database in conjunction with the evaluation of the content of free-text fields in order to selectively score the content of the free-text fields.

These distinctions are directly evident from the language of Claim 11. As presented above, Claim 9 requires the collection of information in multiple partitions, where each partition includes both predefined and free-text fields.

wherein said performance capability information includes a plurality of performance capability partitions, and wherein each said performance capability partition includes categorized information and categorized free-text information

Claim 9 further requires the “scoring” of the contents of the multiple different free-text fields.

scoring a subset of said plurality of data sets relative to . . . a first set of predetermined items matchable against said categorized information and a second set of predetermined items selectively matchable against the unstructured textual content of said categorized free-text information,

Claim 11, as amended for emphasis, further refines the manner of “selectively match[ing]” as the product of

matching said second set of predetermined items with key items of said categorized free-text information based on a predetermined lookup correspondence defined by said key item database

where the key item database is

a key item database of free-text key items derived from said unstructured textual content

Thus, Claim 11 provides for the scoring of unstructured textual data fully in combination with the predefined “categorized information” through the use of “free-text key items” that are, as emphasized by amendment, derived at least in part from the unstructured textual content itself. Completely contrary to the plain teachings and emphatic dissuasion of Clark, the present invention as set forth in Claim 11 defines a manner of not only avoiding the perceived impreciseness of the free-text information, but further enabling the “categorized free-text information” to be reliably combined with the predefined “categorized information” for purposes of ultimately ranking the scored performance capability information data sets.

Given that Kurzius and Clark do not teach or suggest the invention as set forth in Claim 11, particularly in light of Clark’s clear teaching away of even considering free-text information, Applicants respectfully assert that Claim 11 is not obvious. Applicants request reconsideration of the rejection of Claim 11 under 35 U.S.C. §103.

Claims 21 and 22:

Claims 21 and 22, ultimately dependent from Claim 18, are rejected under 35 U.S.C. §103 in view of Kurzius, and Ivanov (US Patent 5,706,452).

As established above, Kurzius simply does not teach or suggest the use of free-text content in any scoring process. Clark, whose express teachings cannot be selectively ignored, establishes the strong motivation not to even consider the use of free-text content. Ivanov merely teaches a work flow system that supports the distribution of emails providing for the notification of certain events.

Claim 18, in contrast, provides for a skills assessment system that operates over “collected information” structured as “a plurality of categorized sets wherein each categorized set includes categorized information and categorized free form information.”

The collection of the information is specifically qualified to include

reviewing the collected information by a designated reviewer wherein items of said collected information are subject to selective qualification by said designated reviewer and wherein phrases of one or more words occurring in said categorized free form information are selectively

associated autonomously with instances of capabilities identifiers for selective qualification by said designated reviewer, said instances of capability identifiers being stored by a database

Claim 18 thus requires a selective qualification of the collected items of information, including both predefined and free-text content items.

The claim further requires this qualification information to be used in combination with a separate “weighting specification” to score both items of the predefined “categorized information” and of “instances of key information” derived from the “categorized free form information.” Claim 18 then provides for these scores to be combined to provide a basis for ranking “said set of potential candidates.”

Kurzius and Clark do not teach or suggest the combination of limitations of presented by Claim 18. Specifically, the references do not teach or suggest evaluating the content of the free-text fields, as discriminated from the information collection structure defined by Claim 18, to determine “instances of key information” that are then scored based on two distinct values, one derived by selective qualification through a review process and one provided as part of a search criteria specification.

Ivanov is correctly asserted in the Action as teaching only the notification of events related to a document review. Therefore, independent Claim 18 is not obvious 35 U.S.C. §103 in view of Kurzius and Ivanov, particularly when considered in combination with Clark. Claims 21 and 22 are therefore not obvious in view of the combined references for at least the same reasons established in regard to Claim 18. Applicants respectfully assert that Claims 18, 19, 21 and 22 are not obvious in view of the cited art. Reconsideration of the rejection of Claims 21 and 22 is respectfully requested.

Claims 1 through 3, 5, and 23 through 28:

Claims 1 through 3, 23, 24, and 25 stand rejected under 35 U.S.C. §103 as obvious in view of Thomas (US Patent Pub 2002/0055870) and Ivanov.

Claims 5, and 26 through 28 stand rejected under 35 U.S.C. §103 as obvious in view of Thomas, Ivanov and Kurzius.

Thomas is advanced in the Action as teaching, among other generic aspects of human capital management systems, the parsing of resumes for the purposes of finding matches against search criteria. The cited sections of Thomas, however, establish an understanding of human capital management systems that is completely contrary to the advancements established by the present invention. Thomas, at the cited ¶18, describes the difficulty in the conventional use of a resume: given that the informational content of a resume is unstructured,

[f]or automation to occur, data, such as the individual's educational background, has to be identified, interpreted, extracted, translated to a standard presentation and inserted in a new database in a database format.

In essence, Thomas thus establishes that, to make use of a resume, the content must be converted to fully predefined fields. The balance of ¶18 goes on to speculate that, should automation be attempted, it would fail. Thomas concludes that any attempt at automation, given that "it is almost impossible to anticipate all the variations possible resulting in incorrect or incomplete data extraction," human intervention would be required to compare the database content against the resume, which would be "time-consuming and expensive" and inherently incompleteable "due to the lack of a standardized and complete presentation of information on the original resume."

After having established that original automated acquisition of information from a free-text resume is impractical and therefore to be avoided, Thomas teaches a human capital management system that specifically avoids the use of free-text fields. As concisely stated in ¶140, "[t]he invention can eliminate the traditional text based resume and replaces it with a standardized profile, which is made up of organized skills and content attributes." The system advanced by Thomas is specifically constructed to capture information only through fields with "skill standards" (¶139), which are predefined, fully qualified, and standardized values.

Thomas therefore expressly teaches away from the use of anything akin to free-text fields and towards reliance exclusively on predefined fields.

Independent Claim 1 has been amended to define the structure of the performance capability data sets and to generally incorporate the substance of Claim 4. Specifically, Claim 1 defines each performance capability data set as including

a plurality of categorized data fields and a plurality of categorized free-text data fields, wherein said categorized free-text data fields store unstructured textual content

As established subsequently in the claim, the content of these multiple “categorized free-text data fields” are selectively scored.

The reviewer interface system is further defined as supporting the matching of “said categorized data field criteria” against “said categorized data fields” and “said categorized free-text data field criteria . . . selectively against the unstructured textual contents of said categorized free-text data fields to select said corresponding subset of said performance capability data sets.”

The interface is further defined by the claim as enabling

selective scoring qualification of individual said categorized data fields and said categorized free-text data fields, wherein said selective scoring qualifications are stored in correspondence with said performance capability data sets, and wherein said selective scoring qualifications are selectively combinable with said categorized data field criteria and said categorized free-text data field criteria in selecting said corresponding subset.

The system of Claim 1 thus provides for the capture and storage of particular scoring relevant information through the reviewer interface and the capability to use that information in combination with search criteria to select corresponding performance capability data sets.

In addition to the distinctions identified in the prior Response relative to Claim 1, neither Thomas nor any of the other cited prior art provides for a reviewer evaluation of that provides for “selective scoring qualification” of the self-assessment information provided by a candidate, particularly including qualification of both multiple predefined and multiple

free-text fields. Further, the “selective scoring qualification” is of a specific nature that is combinable with the search criteria – effectively a weighting in the evaluated matching of fields against corresponding search criteria.

In contrast, the cited prior art affirmatively teaches away from any meaningful use of the content free-text fields particularly in relation to scoring for purposes of controlling the ranking of candidate records. Given that the cited prior art does not teach or suggest the combination of limitations of Claim 1, Applicants respectfully assert that Claim 1 is patentable. Reconsideration of the rejection of Claim 1 under 35 U.S.C. §103 is respectfully requested.

Claim 4 has been cancelled. Claims 5, 26 and 28, all dependent on Claim 1, have been amended to preserve antecedent basis in light of the amendments to Claim 1.

For at least the reasons advanced above in relation to Claim 1, further in addition to those presented in the prior Response, Applicants respectfully assert that Claims 2, 3, 5, and 23 through 28 are equally not taught or suggested by the cited prior art. Reconsideration of the rejection of Claims 2, 3, 5, and 23 through 28 under 35 U.S.C. §103 is respectfully requested.

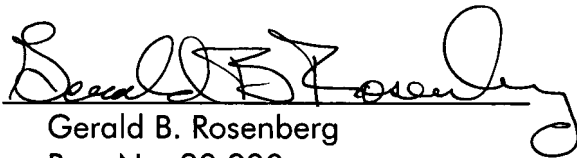
#### Conclusion:

In view of the above Amendments and Remarks, Applicants respectfully assert that Claims 1-3, 5, 9-11, 18, 19, and 21 - 28 are now properly in condition for allowance. The Examiner is respectfully requested to take action consistent therewith and pass this

application on to issuance. The Examiner is respectfully requested to contact the Applicants' Attorney, at the telephone number provided below, in regard to any matter that the Examiner may identify that might be resolved through a teleconference with the Examiner.

Respectfully submitted,

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